up without delay and sufficient funds provided for the purpose.

Mr. JATHARE NAIK said that he was exceedingly glad to hear the observations made by the Dewan in his Address *re.* encouragement to industries. No doubt, Government had started big industrial concerns, *e.g.*, Iron Works, Sugar Factory, etc., and were going to start others like the Cement Factory, the Paper Factory, etc., but all of them would only benefit the rich people and outside investors. For helping the poorer people, especially villagers, cottage industries should be encouraged. If suitable encouragement was given, they could show very good work. For instance, the mat-weaving industry at Babbur was giving rich promise. It was very desirable that Government encouraged this industry by giving financial help. If employment was created in this and other ways for people in the villages, they were sure to become more and more honest, and to abstain from drink, stealing, etc., even in cases where they were given to such habits. For the benefit of children of the Banajara community in particular, Government should start a boarding home just as they had done in the case of Adikarnatakas and they should also continue the supply of slates, books, etc., to them. As a result of the help and encouragement given to the community in the past, one boy had taken the B.A. Degree and a girl had obtained the S.S.L.C. He prayed to Government that these be provided with suitable appointments so that other boys and girls of the community might be induced to prosecute higher studies. He also added that much remained to be done to improve the condition of the Banajara community and it was desirable that a person belonging to that community was appointed as an organiser to attend to that work. The organiser would have to tour about and deliver lectures, and for this purpose he must be given a free railway pass and some daily allowance.

Mr. S. C. BELURIAH represented that a suitable new building should be provided for the girls' middle school at Holenarsipur. He requested that the grant for the Sarada Vilas Sangeetha Patasala should be enhanced. He also prayed that graduates belonging to the Nayanaja Kshatriya community who were experiencing difficulties for want of employment be provided with appointments.

At this stage, the House rose for the day to meet again at 12 of the clock the following day.

THIRD DAY.

Thursday, 4th June 1936.

The House reassembled at the Jagan Mohan Palace Pavilion on Thursday, 4th June 1936, at 12 of the clock, Mr. President (*Amin-ul-mulk* Sir Mirza M. Ismail, K.C.I.E., O.B.E., *Dewan*) in the Chair.

QUESTIONS AND ANSWERS—
(*contd.*).

Q.—9. **Messrs. B. CHAMIAH** (Seringapatam Taluk); **K. M. KRISHNAPPA GOWDA** (Nagamangala Taluk); **GURUBASAPPA** and **K. C. SUBBANNA** (Chamarajanagar Taluk); **M. C. LINGE GOWDA** and **S. C. MALLIAH** (Maddur Taluk); **NANJIAH** *alias* **APPAJIAH** (Hunsur Taluk); **MIR RAZA ALI SAHIB** and **M. MADIAH** (Minorities); **B. SIDDALINGA SETTY** (Special Interests); **S. THIMME GOWDA** *alias* **THAMMAYYA GOWDA** (Krishnarajapet Taluk); **T. MARIYAPPA** (Mysore City Municipality); **H. HONNAIYA** (Mandya Taluk); **T. S. MADAPPA** and **B. S. PUTTASWAMY** (Nanjangud Taluk).—

Will the Government be pleased to state:—

(*a*) whether the President, Mysore City Municipal Council, did not take leave from 3rd February 1936 to the 9th February 1936;

(*b*) whether he did not pass a memo that the Municipal Engineer should be placed in charge of the current duties during his absence on leave;

(*c*) is the Municipal Engineer a member of the Municipal Council;

(*d*) (i) was there no appeal by the Vice-President, Mr. Mohamed Sait, from the memo of the President to the

Government and, if so, (ii) when was it made;

(*e*) did not the Vice-President also send a phone message to Government on the 4th February 1936 and confirm the same by a letter;

(*f*) how many communications in all were made by the Vice-President;

(*g*) was any reply sent to him within the period of leave;

(*h*) when was the reply given to him and what was the reply?

A.—The CHIEF SECRETARY to GOVERNMENT (Mr. A. V. Ramanathan).—

(*a*) He took casual leave from 3rd to 7th February 1936.

(*b*) Yes.

(*c*) No.

(*d*) (i) A representation was made to Government, (ii) on 4th February 1936.

(*e*) Yes.

(*f*) Three (including the telephone message).

(*g*) No.

(*h*) The President was told on 11th February 1936 that the Vice-President might be informed that the Government saw no reason to interfere with the arrangement made.

Mr. B. CHAMIAH.—According to the provisions of the City Municipalities Regulation, can a non-member of the Municipal Council become its President?

Mr. A. V. RAMANATHAN.—The Municipal Engineer was not the President at all.

Mr. B. CHAMIAH.—Was he not in charge of the duties of the President during the latter's absence on leave?

Mr. A. V. RAMANATHAN.—No.

Mr. B. CHAMIAH.—Then, of what duties was he in charge?

Mr. A. V. RAMANATHAN.—The President himself was in charge of the duties. But because he was not in the station, the Municipal Engineer was empowered to forward papers.

Mr. B. CHAMIAH.—Whenever the previous President of the Municipal Council was absent on leave, was not the Vice-President in charge of his duties?

Mr. A. V. RAMANATHAN.—It all depends upon the nature of the leave taken.

Mr. H. HOMBE GOWDA.—When the President is absent on casual leave, who must be in charge of his duties?

Mr. A. V. RAMANATHAN.—When he is on casual leave, he is not considered to be absent from duty.

Mr. H. HOMBE GOWDA.—Can the President of the Municipal Council give charge to a non-member of the Council?

Mr. A. V. RAMANATHAN.—Here, there was no question of giving charge at all.

Mr. H. HOMBE GOWDA.—How can an absentee President continue to discharge the President's duties? Does Section 26 (1) of the City Municipalities Regulation permit of it?

Mr. A. V. RAMANATHAN.—That Section does not apply to casual leave. That is the considered opinion of the Government.

Mr. H. HOMBE GOWDA.—Then, is it the opinion of the Government that casual leave is no leave?

Mr. A. V. RAMANATHAN.—Yes.

Mr. H. HOMBE GOWDA.—Did not the Vice-President send a phone message to the Dewan Saheb representing that he should have been placed in charge of the duties of the President? Was it not a fact that, including the telephone message, there were 3 communications?

Mr. A. V. RAMANATHAN.—A copy of one of these might have been sent to the Dewan.

Mr. H. HOMBE GOWDA.—Did he not represent to the Member in charge of the portfolio that his not having been placed in charge of the duties of the President would be considered as an insult to him?

Mr. A. V. RAMANATHAN.—He might have represented to the Member in charge but that is not on record.

Mr. H. HOMBE GOWDA.—At least in reply to his telephone message, should not the Vice-President have been informed that Government did no consider absence on casual leave as absence from duty?

R.A.

Karnataka State Archives,
(Departmental Library)
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರಾಗಾರ.
(ಇಲಾಖಾ ಗ್ರಂಥಾಲಯ)
ಪುಸ್ತಿ ಕ್ರಮಾಂಕ Accession No.(B) 4683
ದಿನಾಂಕ Date.....

Mr. A. V. RAMANATHAN.—No direct endorsement was given to him, because all correspondence must be addressed to the President.

Mr. H. HOMBE GOWDA.—The President having been on leave, an endorsement could have been addressed to the Vice-President.

Mr. A. V. RAMANATHAN.—Before the reply could be sent, the President returned from leave.

Mr. H. HOMBE GOWDA.—Did not the Municipal Council pass a resolution on the subject?

Mr. A. V. RAMANATHAN.—Notice.

Mr. B. L. BYANNA.—When the President was away from the station on casual leave, another officer was in charge of his duties; was he signing papers "for President"?

Mr. A. V. RAMANATHAN.—Notice.

Mr. K. L. NANJAPPA NADIG.—Has the Vice-President signed papers on previous occasions during the President's absence on leave?

Mr. A. V. RAMANATHAN.—That, again, depends on the nature of the leave.

Mr. K. L. NANJAPPA NADIG.—But is not the Section very clear that during the absence of the President on leave, the Vice President shall perform the duties and exercise the powers of the President?

Mr. A. V. RAMANATHAN.—Government wish to repeat that in their opinion that Section does not apply to casual leave.

Mr. K. L. NANJAPPA NADIG.—Why was the charge entrusted to the Municipal Engineer? Was the Vice-President unable to discharge the duties satisfactorily?

Mr. A. V. RAMANATHAN.—I am not prepared to discuss the question.

Mr. K. L. NANJAPPA NADIG.—Why, then, should Municipal Councils elect Vice-Presidents at all?

Mr. A. V. RAMANATHAN.—That is not a supplementary question.

Mr. B. S. PUTTASWAMY.—On what basis do the Government hold that Section 26 (1) does not apply to casual leave when, as a matter of fact, that Section makes no mention whatever of the kind of leave?

Mr. A. V. RAMANATHAN.—Government's opinion is that absence on casual leave is not absence from duty. The officer's responsibilities continue as if he were on duty.

Mr. B. S. PUTTASWAMY.—Is it a good principle to appoint an ordinary officer to be in charge of the current duties of the President of a municipality?

Mr. H. M. CHANNABASAPPA.—How can a non-member be allowed to be in charge of the transactions of a council?

Mr. A. V. RAMANATHAN.—He was not in charge of the business of the council. For example, he did not preside over its meetings. He merely forwarded papers.

Mr. H. M. CHANNABASAPPA.—At the time of entrusting the President's duties to the Municipal Engineer, was there no other person available who was competent to discharge those duties?

Mr. A. V. RAMANATHAN.—On a point of fact I may inform the member that no officer going on casual leave hands over, and no other officer receives, charge.

Mr. H. M. CHANNABASAPPA.—What was the special reason for selecting this particular officer to be in charge of the current duties? Even apart from the Vice-President, were none of the members of the Municipal Council available?

Mr. A. V. RAMANATHAN.—Notice.

Mr. K. M. KRISHNAPPA GOWDA.—When there was no question of giving or receiving charge, where was the necessity for passing a memo that so and so would be in charge of the current duties?

The SECOND MEMBER (Mr. N. Madhava Rau).—By taking casual leave, the President did not shake off his duties or responsibilities. The rules provide for entrusting certain duties to the Municipal Engineer as senior officer of the municipality. This is the rule—

"In the absence of specific provisions to the contrary in the rules or orders passed by

the President in writing, the President shall be deemed to have delegated all his executive functions to the Vice-President for so long as the President is absent from the station."

Mr. H. B. GUNDAPPA.—Was the Municipal Engineer signing papers during the President's absence?

Mr. N. MADHAVA RAU.—He might have been.

Mr. H. B. GUNDAPPA.—Have "discretionary duties" and "current duties" been defined anywhere?

Mr. N. MADHAVA RAU.—As stated already, no discussion can be entered into during this half hour. The President may by orders in writing prescribe the arrangements to be made when he is absent from municipal limits. The rules permit him to do so.

Mr. Malur SUBBA RAO.—In many other municipalities, is not the Municipal Engineer placed in charge of current duties when the President happens to be absent? Is a Municipal Engineer disqualified from being placed in charge of the current duties?

Mr. N. MADHAVA RAU.—No.

Mr. V. V. IYER.—Are there any instances of similar arrangements being made in municipalities other than the Mysore City Municipality?

Mr. N. MADHAVA RAU.—If other municipalities have a similar organization and a similar rule, the Health Officer, if he is the senior officer, may look after the urgent duties, or the Municipal Engineer may do so if he is the senior officer.

Mr. V. V. IYER.—Even though there is a Vice-President?

Mr. N. MADHAVA RAU.—Yes.

Mr. V. V. IYER.—Where?

Mr. N. MADHAVA RAU.—Notice.

Mr. V. V. IYER.—Suppose a District Board President goes on leave. Can he entrust his current duties to the Head Clerk of his office?

Mr. N. MADHAVA RAU.—If there are rules to justify such course being taken, he might do so. But we are not discussing about District Boards now. We are discussing only the question of the Mysore City Municipality. And as regards that, in the absence of a specific provision in the rules and written orders to the contrary, the presumption is that the President could delegate some of his duties to other officers.

Mr. V. V. IYER.—What were the reasons for the President to pass written orders about the arrangement in question?

Mr. N. MADHAVA RAU.—We have not inquired into the reasons nor do we consider it necessary to do so.

Mr. T. MARIYAPPA.—Will the Government be pleased to read the memo?

Mr. N. MADHAVA RAU.—We have not got the original memo here.

Mr. T. MARIYAPPA.—Was it not sent up to Government?

Mr. N. MADHAVA RAU.—Yes. But it has been returned to the Municipality.

Mr. T. MARIYAPPA.—Is it said in the memo that the Municipal Engineer may be in charge of the current duties or that he may merely forward papers to Government?

Mr. N. MADHAVA RAU.—Whatever may be the terms of the delegation, the memo can have value only so far as the rule permits.

Mr. T. MARIYAPPA.—At the time the memo was passed, was the Vice-President in town?

Mr. N. MADHAVA RAU.—I think he was.

Mr. T. MARIYAPPA.—To the phone message sent to Government, why was not a reply sent immediately? What was the reason for delaying the reply for 4 days, *i.e.*, till the President's return from leave?

Mr. N. MADHAVA RAU.—Because a phone message is received, it does not mean that a reply should be sent immediately. We also require time to dispose of such cases.

Mr. T. MARIYAPPA.—Before passing the memo, did the President inform the Government that he would be making such and such an arrangement during his proposed absence on leave?

Mr. N. MADHAVA RAU.—No.

Mr. T. MARIYAPPA.—Are the Government aware that many newspapers have adversely commented on the incident?

Mr. N. MADHAVA RAU.—Except that Mr. B. S. Puttaswamy wrote an article, we do not know anything.

Mr. T. MARIYAPPA.—Are the Government aware that "The Visvakarnataka" wrote a leading article on the incident?

Mr. N. MADHAVA RAU.—No.

Mr. T. MARIYAPPA.—The Member was pleased to read a certain rule. Is it a rule framed under the old Regulation or under the new Regulation?

Mr. N. MADHAVA RAU.—It was framed under the old Regulation but it is in force now also.

Mr. T. MARIYAPPA.—Will the Government be pleased to see that in future at least non-official Vice-Presidents are permitted to enjoy the privilege of being in charge of the Presidents' duties when the latter go on leave?

Mr. PRESIDENT.—Yes, provided they deserve it.

Q.—10. Messrs. B. CHAMIAH (Seringapatam Taluk); K. M. KRISHNAPPA GOWDA (Nagamangala Taluk); GURUBASAPPA and K. C. SUBBANNA (Chamarajanagar Taluk); M. C. LINGE GOWDA and S. C. MALLIAH (Maddur Taluk); NANJIAH *alias* APPAJIAH (Hunsur Taluk); MIR RAZA ALI SAHIB and M. MADIAH (Minorities); B. SIDDALINGA SETTY (Special Interests); THIMME GOWDA *alias* THAMMAYYA GOWDA (Krishnarajapet Taluk); T. MARIYAPPA (Mysore City Municipality); H. HONNAIYA (Mandya Taluk); T. S. MADAPPA and B. S. PUTTASWAMY (Nanjangud Taluk).—

Will the Government be pleased to state:—

(*a*) whether the President of the City Municipal Council, Mysore, has not passed a memo delegating to the Vice-President powers of supervision over two sections, without obtaining the general or special orders of Government in the matter as required under Section 26 (1) of the City Municipalities Regulation;

(*b*) whether the same President had not withdrawn all the powers, namely, supervision over seven sections, delegated to the Vice-President, likewise without obtaining orders from Government and without assigning reasons;

(*c*) whether the Vice-President, Mr. Mohamed Sait, did not question the legality of the action of the President in an appeal to Government, and, if so, when;

(*d*) whether the attention of the Government was not drawn by Mr. Mohamed Sait to the decision of the High Court in the election appeal of Mr. U. L. Ramachandra Rao, whose election was set aside on the ground that there were no rules and bye-laws framed for the purpose as required by a rule or notification of Government;

(*e*) what was the decision of the Government and have they assigned any reason for the same and when was the same passed?

A.—The CHIEF SECRETARY to GOVERNMENT (Mr. A. V. Ramanathan).—

(*a*) Yes.

(*b*) Yes.

(*c*) Yes. The petitions are dated 29th January 1936, 30th January 1936, and 14th February 1936.

(*d*) Yes.

(*e*) (i) Government could not accept Mr. Mohamed Sait's interpretation of Section 26 (1) of the City Municipalities Regulation.

(ii) On 13th March 1936.

Mr. B. CHAMIAH.—May I know the reasons why the President withdrew all the powers delegated to the Vice-President?

Mr. PRESIDENT.—I can only say that Government had very good reasons for approving of the action of the Municipal President. I can assure you that no question of policy was involved in this matter. It was only a question of using discretion.

Q.—11. Messrs. B. CHAMIAH (Seringapatam Taluk); K. M. KRISHNAPPA GOWDA (Nagamangala Taluk); GURUBASAPPA and K. C. SUBBANNA (Chamarajanagar Taluk); M. C. LINGE GOWDA and S. C. MALLIAH (Maddur Taluk); NANJIAH *alias* APPAJIAH (Hunsur Taluk); MIR RAZA ALI SAHIB and M. MADIAH (Minorities); B. SIDDALINGA SETTY (Special Interests); THIMME GOWDA *alias* THAMMAYYA GOWDA (Krishnarajapet Taluk); T. MARIYAPPA (Mysore City Municipality); H. HONNAIYA (Mandya Taluk); T. S. MADAPPA and B. S. PUTTASWAMY (Nanjangud Taluk).—